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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Andrew M. Pelletier et al.

Serial No.: 09/931,668

Filed: August 16, 2001

For: METHOD AND APPARATUS FOR  
MONITORING FETAL STATUS  
DATA

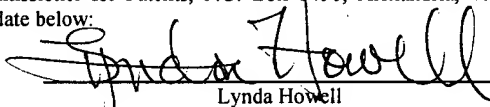
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Group Art Unit: 3762

Examiner: Bockelman, Mark

Atty. Docket: GEMS:0055-1/YOD  
31PN6223-1

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
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February 9, 2006	
Date	Lynda Howell

**STATUS INQUIRY**

The referenced Application is on Appeal, with the last known correspondence being a Reply to a Notice of Non-Compliant Appeal Brief filed on December 9, 2004 (courtesy copy attached). Since that time no further communications have been received.

Applicants respectfully request that the Patent Office provide the undersigned with the current status of the above-referenced application.

The Patent Office is encouraged to contact the undersigned at the number listed below with any questions.

Respectfully submitted,

Date: 2/2/2006

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Commissioner for Patents  
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December 9, 2004  
Date

*Christina Hartline*  
Christina Hartline

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF**

In the Office Action mailed on December 1, 2004, the Examiner indicated that the Appeal Brief mailed on August 30, 2004, and received by the U.S.P.T.O. on September 3, 2004, was non-compliant under 37 C.F.R. § 41.37. In particular, the Examiner stated that the Appeal Brief does not provide a concise explanation of the subject matter of each independent claim and set forth the structures for means plus function claims under 37 C.F.R. § 41.37(c)(1)(v).

However, as noted above, the Appeal Brief was filed on August 30, 2004 and received on September 3, 2004. The effective date of the changes to the appeal process is September 13, 2004. See 37 C.F.R. 41.37. As such, the above-referenced Appeal Brief was filed and should be examined under 37 C.F.R. §§ 1.191 and 1.192. Applicants respectfully submit that the above-referenced Appeal Brief complies with 37 C.F.R. §§

1.191 and 1.192. Accordingly, Applicants respectfully request withdrawal of the holding of non-compliance and reinstatement of the Appeal Brief for the reasons stated above.

Respectfully submitted,

Date: December 9, 2004

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Please indicate receipt of  
the below-identified paper:

- ☐ New Application    ☐ Specification: \_\_\_\_\_ Pages;    Drawings: \_\_\_\_\_ Sheets
- ☐ Continuation    ☐ Divisional    ☐ CIP    ☐ CPA
- ☐ Response to Office Action dated \_\_\_\_\_    ☐ Final Rejection
- ☒ Other \_\_\_\_\_ Response to Notice of Non-Compliant Appeal Brief, Postcard
- ☐ Assignment enclosed    ☒ Cert. Of Timely Mailing    ☐ Express Mail

Identification of Application:

Serial No. 09/931,668

Title METHOD AND APPARATUS FOR MONITORING FETAL STATUS DATA

Applicant Andrew M. Pelletier, et al.

Client GE Medical Systems

File No. GEMS:0055-1 (31-PN-6223) Attorney YOD/KNL

Mailed 12/09/2004 Filed 08/16/2001

